

GENERAL ORDERS, }  
No. 51. }

WAR DEPARTMENT,  
ADJUTANT GENERAL'S OFFICE,  
Washington, March 6, 1863.

I.. Before a General Court Martial, which convened in Norfolk, Va., October 11, 1862, pursuant to Special Orders, No. 125, dated Headquarters, Department of Virginia, October 9, 1862, and of which Colonel D. W. WARDROP, 99th Regiment New York Volunteers, is President, were arraigned and tried—

1. 2d Lieutenant *Cortland Van Rensselaer*, 14th New York Volunteers.

CHARGE I.—“ Violation of section 1st, General Orders, No. 6, of October 1, issued from Headquarters, Suffolk, Virginia.”

*Specification*—“ In this; that the said *Cortland Van Ransslaer*, 2d Lieutenant Company A, 148th Regiment New York Volunteers, did permit a squad of men, while under his charge, to leave his command, and to shoot or otherwise kill poultry, consisting of geese and chickens, the property of citizens living near Suffolk, Virginia. This in direct violation of General Orders, No. 6, at or near the Petersburg railroad bridge crossing the Nansamond Creek, on or about the eighth day of October, 1862.”

CHARGE II.—“ Conduct prejudicial to good order and military discipline.”

*Specification*—“ In that the said *Cortland Van Rensselaer*, 2d Lieutenant Company A, 148th Regiment New York Volunteers, did not restrain the men under his command from going and killing and taking poultry, without proper authority from Headquarters, at Suffolk, Virginia; thus setting the example which is calculated to demoralize the entire command. This at or near the Petersburg railroad bridge crossing the Nansamond Creek, on or about the eighth day of October, 1862.”

To all which charges and specifications the accused pleaded “ Not Guilty.”

## FINDING.

The Court, after mature deliberation upon the evidence adduced, finds the accused as follows :

Of the *Specification*, 1st Charge, "Guilty."

Of the 1st CHARGE, "Guilty."

Of the *Specification*, 2d Charge, "Guilty."

Of the 2d CHARGE, "Guilty."

## SENTENCE.

And the Court does therefore sentence the said 2d Lieutenant *Cortland Van Rensselaer*, 148th New York Volunteers, "*That he be suspended from command for the period of six months; that his entire pay and emoluments be stopped for that time; and that he be reprimanded and instructed by the Colonel in presence of the Regiment.*"

2. 1st Lieutenant *John D. Lee*, Quartermaster 1st New York Mounted Rifle Volunteers.

CHARGE I.—"Conduct prejudicial to good order and military discipline."

*Specification* 1st—"In this; that 1st Lieutenant *John D. Lee*, Regimental Quartermaster of the 1st New York Mounted Rifles, Volunteers, did, on or about the 24th day of September, 1862, come into the cities of Norfolk, Virginia, and Portsmouth, Virginia, with an armed force of from seventy-five to one hundred men, he, the said *Lee*, being in command of said armed force, without reporting himself and command to the Brigadier General commanding the said posts of Norfolk and Portsmouth, the said posts of Norfolk and Portsmouth being a portion of another military district, not included in the district to which said *Lee* and troops belonged.

*Specification* 2d—"In this; that 1st Lieutenant *John D. Lee*, Regimental Quartermaster of the 1st New York Mounted Rifles, Volunteers, did, with said armed force, proceed to the stables under the control of Captain Edwin Ludlow, Assistant Quartermaster, Volunteer service, the said stables being situated at Portsmouth, Virginia, and did take forcibly from said stables, without the

permission or authority of said Assistant Quartermaster, or without other proper and sufficient authority, about seventy-six public horses, and did forcibly carry from Portsmouth, Virginia, to Suffolk, Virginia, the said horses, the said horses being in the possession of and under the control of said Captain Edwin Ludlow, Assistant Quartermaster as aforesaid. All this at Portsmouth, Virginia, on or about the 24th September, 1862."

*Specification 3d*—"In this; that said Lieutenant *John D. Lee*, when remonstrated with by the wagonmaster and teamsters in charge of said stables and horses, did place the said wagonmaster and teamsters, or some of them who were in charge as aforesaid, under strict guard, refusing to allow them to communicate with said Captain Edwin Ludlow, Assistant Quartermaster, or with any other officers connected with the military district of Norfolk or Portsmouth, whilst he, the said Lee, was taking the horses as aforesaid. All this at Portsmouth, Virginia, on or about the 24th September, 1862."

*Specification 4th*—"In this; that said Lieutenant *John D. Lee*, Regimental Quartermaster of the 1st New York Mounted Rifles, Volunteers, did use foul and abusive language to said wagonmaster and teamsters in charge of said stables, threatening to 'knock the head off' of any who attempted to escape, saying that the said Assistant Quartermaster, 'God damn his soul, would find out by night who has the horses,' and that 'there were not guards enough to prevent his taking them,' or words to that same effect. All this at Portsmouth, on or about the 24th of September, 1862."

*Specification 5th*—"In this; that said Lieutenant *John D. Lee*, Regimental Quartermaster of the 1st New York Mounted Rifles, Volunteers, did, in the presence of the said wagonmaster and teamsters, use foul and abusive language in speaking of Captain Edwin Ludlow, such as 'God damn Captain Ludlow—God damn his soul—I know my business, and I'll have the horses before night,' or words to the same effect. All this at Portsmouth, Virginia, on or about the 24th September, 1862."

*Specification 6th*—"In this; that said Lieutenant *John D. Lee*, Regimental Quartermaster of the 1st New York Mounted Rifles, Vol-

unteers, when remonstrated with by the said wagonmaster, and when, by reason of such remonstrations and personal interference, a moment's delay occurred, did exclaim, in the presence of said wagonmaster and teamsters, and others, 'God damn, get those horses out; if you can't do it in any other way, cut the halters,' or words to the same effect. All this at Portsmouth, Virginia, on or about the 24th day of September, 1862."

**CHARGE II.**—"Conduct unbecoming an officer and gentleman."

*Specification 1st*—"In this; that the said Lieutenant *John D. Lee*, Regimental Quartermaster of the 1st New York Mounted Rifles, Volunteers, did use foul and abusive language to said wagonmaster and teamsters in charge of said stables, threatening to 'knock the head off' of any who attempted to escape, saying that the Assistant Quartermaster, 'God damn his soul, would find out by night who has the horses,' and that 'there were not guards enough to prevent his taking them,' or words to that effect. All this at Portsmouth, Virginia, on or about the 24th day of September, 1862."

*Specification 2d*—"In this; that said Lieutenant *John D. Lee*, Regimental Quartermaster of the 1st New York Mounted Rifles, Volunteers, did, in the presence of said Wagonmaster and teamsters, use foul and abusive language in speaking of Captain Edwin Ludlow, such as 'God damn Captain Ludlow;' such as 'God damn his soul; I know my business, and I'll have the horses before night,' or words to the same effect. All this at Portsmouth, Virginia, on or about the 24th September, 1862."

*Specification 3d*—"In this; that the said Lieutenant *John D. Lee*, Regimental Quartermaster of the 1st New York Mounted Rifles, Volunteers, when remonstrated with by the said wagonmaster and teamsters, and when, by reason of said remonstrance and personal interference, a momentary delay occurred, did exclaim, in the presence of said wagonmaster, teamsters, and others, 'God damn you, get those horses out; if you can't do it in any other way, cut the halters,' or words to the same effect. All this at Portsmouth, Virginia, on or about the 24th September, 1862."

To which charges and specifications the accused pleaded as follows:

#### CHARGE I.

To *Specification 1st*, "Not Guilty."

To *Specification 2d*, "Not Guilty, except the words following, viz: 'that said *John D. Lee* did proceed to the stables situated at Portsmouth, and did take from said stables, without permission or authority of said Assistant Quartermaster, seventy public horses, and did carry from Portsmouth, Virginia, to Suffolk, Virginia, the said horses;' and as to these words he pleads 'Guilty.'"

To *Specification 3d*, "Not Guilty."

To *Specification 4th*, "Not Guilty."

To *Specification 5th*, "Not Guilty."

To *Specification 6th*, "Not Guilty."

To the 1st CHARGE, "Not Guilty."

#### CHARGE II.

To *Specification 1st*, "Not Guilty."

To *Specification 2d*, "Not Guilty."

To *Specification 3d*, "Not Guilty."

To the 2d CHARGE, "Not Guilty."

#### FINDING.

The Court having maturely, and at very great length, considered all the testimony adduced in the case, finds the accused, 1st Lieutenant *John D. Lee*, Regimental Quartermaster, 1st New York Mounted Rifle Volunteers, as follows:

#### CHARGE I.

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty. But in respect to this specification, the Court, upon consideration of the evidence, finds that Lieutenant *Lee* acted under positive orders from his superior officer, Colonel Dodge, in taking horses, but that he exceeded those orders in taking."

Of the 3d *Specification*, "Not Guilty."

Of the 4th *Specification*, "Guilty, striking out all except the following words: 'In this; that the said Lieutenant *John D. Lee*, Regimental

Quartermaster, 1st New York Mounted Rifles, Volunteers, did use foul and abusive language, saying that the said Assistant Quartermaster 'would find out by night who has the horses,' and that there were not guards enough to prevent him taking them, or words to the same effect. All this at Portsmouth, on or about the 24th of September, 1862.' "

Of the 5th *Specification*, "Guilty, striking out the words 'in the presence of the said wagonmaster and teamsters,' and inserting the words 'and Norfolk.' "

Of the 6th *Specification*, "Guilty."

Of the 1st CHARGE, "Guilty."

## CHARGE II.

Of the 1st *Specification*, "Guilty, striking out all except the following words: 'In this; that the said Lieutenant *John D. Lee*, Regimental Quartermaster, 1st New York Mounted Rifles, Volunteers, did use foul and abusive language, saying that the said Assistant Quartermaster 'would find out by night who has the horses,' and that there were not guards enough to prevent his taking them, or words to the same effect. All this at Portsmouth, on or about the 24th of September, 1862.' "

Of the 2d *Specification*, "Guilty, striking out the words 'in the presence of the said wagonmaster and teamsters,' and inserting the words 'and Norfolk.' "

Of the 3d *Specification*, "Guilty."

Of the 2d CHARGE, "Not Guilty."

## SENTENCE.

And the Court, upon mature and ample consideration of the whole matter, do pronounce upon 1st Lieutenant *John D. Lee*, Quartermaster, 1st New York Mounted Rifle Volunteers, the following sentence: "That he be suspended from duty for the term of six months; that he forfeit all pay and allowances during that period; and that he be reprimanded by the General commanding the Department."

The Court is thus lenient in consideration of the fact that the accused acted under the orders of his superior officer in the major portion of the offence committed.

II..The proceedings in the foregoing cases have been forwarded for the action of the President of the United States, Major General Dix, commanding the Department, having disapproved the sentences awarded to Lieutenants Van Rensselaer and Lee, as inadequate to the offences of which they are found guilty, and recommended their dismissal.

By direction of the President, 2d Lieutenant *Courtland Van Rensselaer*, 148th New York Volunteers, and 1st Lieutenant *John D. Lee*, Quartermaster, 1st New York Mounted Rifle Volunteers, are dismissed the service.

BY ORDER OF THE SECRETARY OF WAR:

L. THOMAS,  
*Adjutant General.*

OFFICIAL:

*Assistant Adjutant General.*